

US DISTRICT COURT
Eastern District of Texas

FILED

OCT 29 2018

Clerk, U.S. District Court
Texas Eastern

**CRAIG CUNNINGHAM, an
Individual,**

Plaintiff,


Case Number: 4:18-cv-00682

vs.

**Niagara Restitution Services, Inc, Yamal Ramirez, and John/Jane Does 1-5
Defendant.**

**Plaintiff's Motion to Strike the Defendant's answer for violations of FRCP rule 11
and Motion to Strike the Defendant's affirmative answers per FRCP 12(f)**

1. Pursuant to FRCP 11(a), the Plaintiff moves that the Defendant's answer and counterclaim be stricken as they fail to comply with the requirements in FRCP 11(a) specifically, although signed, the answer and counterclaim lack the address, phone number, or email address.
2. FRCP 11(a) states that *"the court must strike an unsigned paper unless the omission is promptly corrected after being called to the party's attention."*
3. Additionally, the Defendant's "Affirmative defenses" are not actually affirmative defenses and should be struck as *"redundant, immaterial, impertinent, or scandalous"*
4. The Defendant attaches a news article written about the Plaintiff, but not authored by the Plaintiff as an "Affirmative defense"
5. Allegations of "forum shopping" are not an affirmative defense in their first affirmative defense
6. Stating that the Plaintiff uses a PO Box is not an affirmative defense.
7. Alleging no actual damages is not an affirmative defense as alleged in their fourth affirmative defense.



Craig Cunningham
Plaintiff,

5543 Edmondson Pike, ste 248 Nashville, TN 37211, 615-348-1977 10/29/2018

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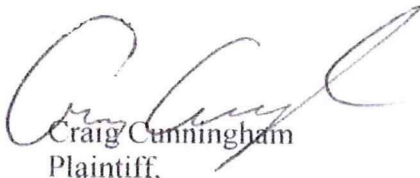
vs.

**Niagara Restitution Services, Inc, Yamal Ramirez, and John/Jane Does 1-5
Defendant.**

_____ /

Plaintiff's Certificate of Service

I hereby certify a true copy of the foregoing was mailed to the Defendants of record via
USPS first class mail



Craig Cunningham
Plaintiff,

5543 Edmondson Pike, ste 248 Nashville, TN 37211, 615-348-1977 10/29/2018